

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Feng Qin,

Defendant.

Deferred Prosecution Agreement

18 Cr. 854

TO: Feng Qin

On November 29, 2018, an indictment was issued by a grand jury in the Southern District of New York, in which you are accused of committing an offense against the United States, to wit, health care fraud, in violation of 18 U.S.C. §§ 1347 and 2. However, after a thorough investigation it has been determined that the interest of the United States and your own interest will best be served by deferring prosecution in this District. Prosecution will be deferred during the term of your good behavior and satisfactory compliance with the terms of this agreement for the period of one year from the last signature of this agreement. The terms and conditions constituting your good behavior and satisfactory compliance are as follows:

- (1) You shall refrain from violation of any law (federal, state and local). You shall immediately contact your U.S. Pretrial Services Officer if arrested or questioned by a law-enforcement officer.
- (2) You shall associate only with law-abiding persons.
- (3) You shall work regularly at a lawful occupation and/or regularly attend school and support your legal dependents, if any, to the best of your ability. When out of work or not attending school you shall notify your supervising U.S. Pretrial Services Officer at once. You shall consult him or her prior to job and school changes.
- (4) You shall not leave the continental United States without permission of your supervising U.S. Pretrial Services Officer.
- (5) You shall notify your supervising U.S. Pretrial Services Officer immediately of any change in your place of residence.
- (6) You shall follow your supervising U.S. Pretrial Services Officer's instructions and advice.
- (7) You shall report to your supervising U.S. Pretrial Services Officer as directed.

As a further condition you hereby consent to disclosure, by any federal, state or local government agency, or by any medical or substance abuse treatment provider, to the U.S. Pretrial Services Officer supervising your case, of such medical and treatment records as may be requested by the Pretrial Services Officer to evaluate deferral of prosecution in this case. You further agree

that you will execute any additional consent forms that any such agency or provider may require to release such information.

Special conditions are as follows:

(8) During the term of your deferred prosecution, you shall enter into an agreement with the Department of Health and Human Services, Office of the Inspector General, to refrain from billing medical services to Medicare, Medicaid, Tricare, or any other federal health plan for a period of no less than four years from the date of such agreement.

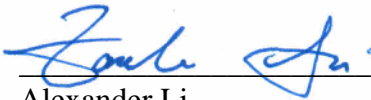
(9) During the term of your deferred prosecution, you shall enter into an agreement to make restitution in the amount of \$800,000. This condition will be deemed satisfied if you enter into one or more settlement agreements with, among other parties, the Government, in *United States et al. ex rel. Favors v. Qin Medical P.C., et al.*, No. 16 Civ. 4647 (LTS), that together include a total settlement payment by you of no less than the above-stated amount.

The United States Attorney may at any time revoke or modify any condition of this provisional release or change the period of such supervision. The United States Attorney may discharge you from supervision at any time. The United States Attorney may at any time proceed with the prosecution for this offense should the United States Attorney, in his or her sole discretion, deem such action advisable.

If upon completion of your supervision a written report from your supervising U.S. Pretrial Services Officer is received to the effect that you have complied with all the rules, regulations and conditions and special conditions applicable to your deferred prosecution, the Government will move to dismiss the indictment and no further prosecution will be instituted in this District for the above offense.

Dated: New York, New York
January 18, 2021


AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: 
Alexander Li
Jean-David Barnea
Assistant United States Attorneys
Tel.: (212) 637-2265/-2679

The undersigned hereby consents to the foregoing and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, the Speedy Trial Act, 18 U.S.C. §§3161 et seq., and any other pertinent provisions, and consents to the

adjournment of all pending proceedings in this case. The undersigned further waives the applicable statute of limitations with respect to any prosecution that is not time-barred on the date that this agreement is signed. It is the intent of this provision to toll the applicable statute of limitations during the pendency of the deferred prosecution.


Dated: New York, New York
January 5, 2021


Kenneth M. Abell, Esq.
David M. Eskew, Esq.
Attorneys for Defendant


Feng Qin
Defendant

Pursuant to 18 U.S.C. §3161(h)(2), exclusion under the Speedy Trial Act of the period of time during which the prosecution of the defendant is deferred pursuant to this agreement is hereby approved.

Dated: New York, New York
January 19, 2021


Hon. Ronnie Abrams
United States District Judge

The undersigned hereby consents to the foregoing and will accept supervision of the above-named defendant on the conditions set forth herein.

Dated: New York, New York
January 14, 2021


Francesca Tessier-Miller
United States Pretrial Services Officer